



State of New Jersey

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February 7, 1984

Honorable Reginald Stanton, J.S.C.  
Morris County Courthouse  
Morristown, NJ 07960

Re: State of New Jersey, DEP v. Scientific  
Chemical Processing, et als., Newark site

Dear Judge Stanton:

I am in receipt of Mr. Presto's undated Certification in response to the DEP's motion returnable before Your Honor on February 10, 1984.

In his Certification, Mr. Presto advises the Court that he did not authorize S & W Waste to proceed with the Newark site clean-up because of the contents of a letter dated December 6, 1983 from S & W to Mr. Presto. This letter is attached to the Certification as Exhibit "B".

At the outset, please note that neither DEP nor I was afforded a copy of the S & W letter.

Referring to an on-site visit by DEP and S & W Waste personnel on November 15, 1983 which Mr. Presto did not attend, the last sentence of S & W's letter states: "In your absence Mr. Senna said that he would contact you directly to indicate DEP's expectations for a sampling plan and that we should await communication from you [Mr. Presto] before we proceed further."

As stated in paragraph 4 of Mr. Presto's Affidavit, I contacted Mr. Presto to advise him of "DEP's expectations for a sampling plan". More specifically, I advised Mr. Presto of DEP's request that S & W develop a sampling plan consistent with discussions during the on-site visit. Immediately thereafter, S & W was to implement same.

In our telephone conversation, I specifically requested that Mr. Presto provide written authorization for S & W to undertake the sampling and analysis phase of the cleanup. To this date, Mr. Presto has not authorized S & W to proceed.



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It is important to note that Mr. Presto did not make any attempt to follow up on the status of the Newark site cleanup after he received the December 6, 1983 letter.

Contrary to Mr. Presto's assertions, I did not receive any evidence that he was attempting to have generators "pick-up" their waste from the Newark site until after the present motion was filed. Mr. Presto suggests that he has been "very active" in this regard. However, to my knowledge not one generator has reclaimed its waste from the site.

I again reassert the DEP's position as set forth in its moving papers - neither Mr. Presto, Mr. Sigmond nor the Sigmond and Presto partnership have made a good faith effort to undertake a cleanup of the Newark site. Accordingly, I request that this Court set down the matter for hearing, and thereafter impose a cleanup upon the defendant.

Thank you for your attention to this matter.

Respectfully yours,

IRWIN I. KIMMELMAN  
Attorney General of New Jersey

By David W. Reger  
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Deputy Attorney General

jay

cc All Counsel  
Mr. Leif R. Sigmond  
Mr. Herbert G. Case